

109TH CONGRESS  
1ST SESSION

# H. R. 2753

To amend the Federal Election Campaign Act of 1971 to provide for public funding for House of Representatives elections, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2005

Mr. ANDREWS introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to provide for public funding for House of Representatives elections, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Public Campaign Fi-  
5       nancing Act of 2005”.

6       **SEC. 2. PUBLIC FUNDING FOR HOUSE OF REPRESENTA-**  
7       **TIVES ELECTIONS.**

8       The Federal Election Campaign Act of 1971 is  
9       amended by adding at the end the following new title:

1 **“TITLE V—PUBLIC FUNDING FOR**  
2 **HOUSE OF REPRESENTA-**  
3 **TIVES ELECTIONS**

4 **“SEC. 501. QUALIFICATIONS FOR PUBLIC FUNDING.**

5 “A House of Representatives candidate qualifies for  
6 public funding if, as determined by the Commission—

7 “(1) at least 6 weeks before the general elec-  
8 tion, the candidate obtains the signatures of 3 per-  
9 cent of the registered voters in the congressional dis-  
10 trict involved; or

11 “(2) the candidate is the candidate of a political  
12 party, the candidate of which, in the preceding gen-  
13 eral election, received more than 25 percent of the  
14 vote.

15 **“SEC. 502. LIMITATIONS ON CONTRIBUTIONS TO QUALI-**  
16 **FYING HOUSE OF REPRESENTATIVES CAN-**  
17 **DIDATES.**

18 “(a) INDIVIDUAL CONTRIBUTIONS REQUIREMENT.—  
19 A qualifying House of Representatives candidate may not  
20 accept contributions other than contributions from individ-  
21 uals that total not more than \$100 per individual per elec-  
22 tion cycle.

23 “(b) IN-STATE CONTRIBUTION REQUIREMENT.—  
24 With respect to each reporting period for an election, at  
25 least 80 percent of the total sum of contributions accepted

1 by a qualifying House of Representatives candidate shall  
2 be from the State in which the congressional district in-  
3 volved is located.

4 **“SEC. 503. USE OF PUBLIC FUNDING.**

5 “(a) IN GENERAL.—A qualifying House of Rep-  
6 resentatives candidate may use public funds only for—

7 “(1) buying time on radio, cable, or television  
8 broadcast stations;

9 “(2) buying rental space on billboards or other  
10 outdoor signs;

11 “(3) buying advertising space in magazines,  
12 newspapers, periodicals, and other advertising  
13 media, including theaters, the Internet, and the  
14 worldwide web;

15 “(4) payment of the cost of producing adver-  
16 tisements for media referred to in paragraphs (1),  
17 (2), and (3);

18 “(5) procurement of computerized campaign  
19 software, voter lists, and other voter contact tools;

20 “(6) payment of the cost of printing and mail-  
21 ing campaign literature;

22 “(7) payment of the cost of telephone expenses;

23 “(8) payment of legal and accounting costs as-  
24 sociated with campaigning;

25 “(9) payment of campaign employees’ salaries;

1           “(10) payment of the cost of campaign office  
2           equipment and supplies; and

3           “(11) payment of incidental expenses of the  
4           candidate, such as travel and food.

5           “(b) SPECIFIC EXCLUSION.—A qualifying House of  
6           Representatives candidate may not use public funds under  
7           this title to pay the candidate a salary or personal mort-  
8           gages.

9           “(c) CALCULATION OF PUBLIC DISBURSEMENT.—

10           “(1) IN GENERAL.—A qualifying House of Rep-  
11           resentatives candidate shall receive public funds  
12           closely approximating the cost of procuring 2½  
13           hours of television commercial time on local tele-  
14           vision stations in the district’s media markets.

15           “(2) CRITERIA FOR DETERMINING AMOUNT.—

16           An exact amount of the funds provided to a can-  
17           didate under this section shall be determined by the  
18           Commission, using—

19           “(A) the average cost of a media point per  
20           media market, as defined by Arbitron Area of  
21           Dominant Influence, for the 4th quarter of the  
22           preceding calendar year; and

23           “(B) a multiplier of 5,000 media points.

1           “(3) USE OF FUNDS.—The funds provided  
2           under this section may be used for any purpose  
3           specified in subsection (a).

4           “(d) DISBURSEMENTS.—The Commission shall make  
5           disbursements of public funds under this title upon sub-  
6           mission of evidence that an eligible expense has been in-  
7           curred. No disbursement may be made with respect to an  
8           expense incurred more than 4 months before the election  
9           involved.

10       **“SEC. 504. MAXIMUM AMOUNT OF PUBLIC FUNDING.**

11           “(a) IN GENERAL.—The maximum amount of public  
12           funding that a qualifying House of Representatives can-  
13           didate may receive is \$750,000.

14           “(b) INDEXING.—The amount under subsection (a)  
15           shall be increased as of the beginning of each even-num-  
16           bered calendar year, based on the increase in the price  
17           index determined under section 315(c), except that the  
18           base period shall be calendar year 2003.

19       **“SEC. 505. TELEVISION DEBATE REQUIREMENT.**

20           “A qualifying House of Representatives candidate  
21           shall be required to participate in at least 2 televised de-  
22           bates, organized by a bipartisan or nonpartisan group, in  
23           the congressional district media market.

1 **“SEC. 506. REQUIREMENT FOR ACCEPTANCE OF ADVER-**  
2 **TISING BY RADIO AND TELEVISION STA-**  
3 **TIONS.**

4 “(a) IN GENERAL.—Each radio station and each tele-  
5 vision station shall be—

6 “(1) required to accept orders for advertise-  
7 ments to be paid for under this title until such ad-  
8 vertising constitutes 40 percent of the station’s total  
9 advertising time; and

10 “(2) subject to random periodic examination of  
11 advertising charges paid under this title to ensure  
12 that such charges are correct.

13 “(b) CONDITION OF LICENSE.—The continuation of  
14 an existing license, the renewal of an expiring license, and  
15 the issuance of a new license under section 307 of the  
16 Communications Act of 1934 (47 U.S.C. 307) shall be  
17 conditioned on the agreement by the licensee to abide by  
18 the provisions of subsection (a)(1).

19 **“SEC. 507. DEFINITIONS.**

20 “As used in this title—

21 “(1) the term ‘House of Representatives can-  
22 didate’ means a candidate for the office of Rep-  
23 resentative in, or Delegate or Resident Commis-  
24 sioner to, the Congress;

25 “(2) the term ‘qualifying House of Representa-  
26 tives candidate’ means a House of Representatives

1 candidate who qualifies for public funding under this  
 2 title; and

3 “(3) the term ‘congressional district media mar-  
 4 ket’ means, with respect to a congressional district,  
 5 the media market of that district, as determined  
 6 from the licensing records of the Federal Commu-  
 7 nications Commission.”.

8 **SEC. 3. REPORTING REQUIREMENTS.**

9 (a) **REPORTS BY STATE COMMITTEES.**—Section 304  
 10 of the Federal Election Campaign Act of 1971 (2 U.S.C.  
 11 434) is amended by adding at the end the following new  
 12 subsection:

13 “(i) **FILING OF STATE REPORTS.**—In lieu of any re-  
 14 port required to be filed by this Act, the Commission may  
 15 allow a State committee of a political party to file with  
 16 the Commission a report required to be filed under State  
 17 law if the Commission determines such reports contain  
 18 substantially the same information.”.

19 (b) **OTHER REPORTING REQUIREMENTS.**—

20 (1) **AUTHORIZED COMMITTEES.**—Section  
 21 304(b)(4) of such Act (2 U.S.C. 434(b)(4)) is  
 22 amended—

23 (A) by striking “and” at the end of sub-  
 24 paragraph (H);

1 (B) by inserting “and” at the end of sub-  
 2 paragraph (I); and

3 (C) by adding at the end the following new  
 4 subparagraph:

5 “(J) in the case of an authorized com-  
 6 mittee, disbursements for the primary election,  
 7 the general election, and any other election in  
 8 which the candidate participates;”.

9 (2) NAMES AND ADDRESSES.—Section  
 10 304(b)(5)(A) of such Act (2 U.S.C. 434(b)(5)(A)) is  
 11 amended—

12 (A) by striking “within the calendar year”;  
 13 and

14 (B) by inserting “, and the election to  
 15 which the operating expenditure relates” after  
 16 “operating expenditure”.

17 **SEC. 4. REPORTING OF ELECTION ACTIVITY OF PERSONS**  
 18 **OTHER THAN POLITICAL PARTIES.**

19 Section 304 of the Federal Election Campaign Act  
 20 of 1971 (2 U.S.C. 434), as amended by section 3(a), is  
 21 amended by adding at the end the following new sub-  
 22 section:

23 “(j) ELECTION ACTIVITY OF PERSONS OTHER THAN  
 24 POLITICAL PARTIES.—



1           “(1) REQUIREMENT DESCRIBED.—(A) If any  
2           person to which section 323 does not apply makes  
3           (or obligates to make) disbursements for Federal  
4           election activities (as defined in section 301(20)) in  
5           excess of \$2,000, such person shall file a state-  
6           ment—

7                   “(i) on or before the date that is 48 hours  
8                   before the disbursements (or obligations) are  
9                   made; or

10                   “(ii) in the case of disbursements (or obli-  
11                   gations) that are required to be made within 14  
12                   days of the election, on or before such 14th day.

13           “(B) An additional statement shall be filed each  
14           time additional disbursements aggregating \$2,000  
15           are made (or obligated to be made) by a person de-  
16           scribed in subparagraph (A).

17           “(2) CONTENTS OF STATEMENT.—Any state-  
18           ment under this section shall be filed with the Sec-  
19           retary of the Senate or the Clerk of the House of  
20           Representatives, and the Secretary of State (or  
21           equivalent official) of the State involved, as appro-  
22           priate, and shall contain such information as the  
23           Commission shall prescribe, including whether the  
24           disbursement is in support of, or in opposition to, 1  
25           or more candidates or any political party. The Sec-

1       retary of the Senate or Clerk of the House of Rep-  
2       resentatives shall, as soon as possible (but not later  
3       than 24 hours after receipt), transmit a statement  
4       to the Commission. Not later than 48 hours after re-  
5       ceipt, the Commission shall transmit the statement  
6       to—

7               “(A) the candidates or political parties in-  
8       volved; or

9               “(B) if the disbursement is not in support  
10       of, or in opposition to, a candidate or political  
11       party, the State committees of each political  
12       party in the State involved.

13              “(3) DETERMINATIONS BY COMMISSION.—The  
14       Commission may make its own determination that  
15       disbursements described in paragraph (1) have been  
16       made or are obligated to be made. The Commission  
17       shall notify the candidates or political parties de-  
18       scribed in paragraph (2) not later than 24 hours  
19       after its determination.

20              “(4) EXCEPTIONS.—This subsection shall not  
21       apply to—

22               “(A) a candidate or a candidate’s author-  
23       ized committees; or

24               “(B) an independent expenditure (as de-  
25       fined in section 301(17)).”.

1 **SEC. 5. CONTRIBUTIONS THROUGH INTERMEDIARIES AND**  
2 **CONDUITS.**

3 Section 315(a)(8) of the Federal Election Campaign  
4 Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read  
5 as follows:

6 “(8) For the purposes of this subsection:

7 “(A) Contributions made by a person, either di-  
8 rectly or indirectly, to or on behalf of a particular  
9 candidate, including contributions that are in any  
10 way earmarked or otherwise directed through an  
11 intermediary or conduit to a candidate, shall be  
12 treated as contributions from the person to the can-  
13 didate. If a contribution is made to a candidate  
14 through an intermediary or conduit, the inter-  
15 mediary or conduit shall report the original source  
16 and the intended recipient of the contribution to the  
17 Commission and the intended recipient.

18 “(B) Contributions made directly or indirectly  
19 by a person to or on behalf of a particular candidate  
20 through an intermediary or conduit, including con-  
21 tributions arranged to be made by an intermediary  
22 or conduit, shall be treated as contributions from the  
23 intermediary or conduit to the candidate if—

24 “(i) the contributions made through the  
25 intermediary or conduit are in the form of a  
26 check or other negotiable instrument made pay-

1           able to the intermediary or conduit rather than  
2           the intended recipient; or

3           “(ii) the intermediary or conduit is—

4                   “(I) a political committee, a political  
5                   party, or an officer, employee, or agent of  
6                   either;

7                   “(II) a person whose activities are re-  
8                   quired to be reported under section 4 of  
9                   the Lobbying Disclosure Act of 1995 (2  
10                  U.S.C. 1603), the Foreign Agents Reg-  
11                  istration Act of 1938 (22 U.S.C. 611 et  
12                  seq.), or any successor Federal law requir-  
13                  ing a person who is a lobbyist or foreign  
14                  agent to report the activities of such per-  
15                  son;

16                  “(III) a person who is prohibited from  
17                  making contributions under section 316 or  
18                  a partnership; or

19                  “(IV) an officer, employee, or agent of  
20                  a person described in subclause (II) or  
21                  (III) acting on behalf of such person.

22           “(C) The term ‘contributions arranged to be  
23           made’ includes—

24                   “(i) contributions delivered directly or indi-  
25                   rectly to a particular candidate or the can-

1 didate's authorized committee or agent by the  
2 person who facilitated the contribution; and

3 “(ii) contributions made directly or indi-  
4 rectly to a particular candidate or the can-  
5 didate's authorized committee or agent that are  
6 provided at a fundraising event sponsored by an  
7 intermediary or conduit described in subpara-  
8 graph (B).

9 “(D) This paragraph shall not prohibit—

10 “(i) fundraising efforts for the benefit of a  
11 candidate that are conducted by another can-  
12 didate or Federal officeholder; or

13 “(ii) the solicitation by an individual using  
14 the individual's resources and acting in the in-  
15 dividual's own name of contributions from other  
16 persons in a manner not described in para-  
17 graphs (B) and (C).”.

18 **SEC. 6. EFFECTIVE DATE.**

19 The amendments made by this Act shall apply with  
20 respect to elections occurring after December 31, 2006.

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